



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,336	08/30/1999	BRIAN J. ROBERTS	3345-2180	9002

7590 11/19/2002

KEITH R. HAUPT  
WOOD, HERRON & EVANS, L.L.P.  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OH 45202-2917

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

LC

# Office Action Summary

Application No.  
09/385,336

Applicant(s)  
Roberts et al.

Examiner  
Clark F. Dexter

Art Unit  
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 5, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-26, 28, 30-35, and 37-48 is/are pending in the application.
- 4a) Of the above, claim(s) 3-6, 9-26, 28, 30-34, and 40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 2, 35, 37, 38, and 41-48 is/are rejected.
- 7) ☒ Claim(s) 8 and 39 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 19 6) ☐ Other:

Art Unit: 3724

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 5, 2002 has been entered.
2. The amendment filed August 5, 2002 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Art Unit: 3724

***Information Disclosure Statement***

3. The information disclosure statement filed August 5, 2002 (paper no. 19) has been received and the references listed thereon have been considered. It is noted that the listing of Bittner et al. has been lined-out since it has already been made of record (see paper no. 2).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittner et al., pn 5,290,033.

Bittner et al. discloses a terminal with every structural limitation of the claimed invention including a housing (e.g., shown in Figures 1 and 6); a currency acceptor (e.g., 215); a credit display means (e.g., 206); a dispensing means (e.g., 204); a detector means (e.g., 224); and credit means (e.g., 228).

6. Claims 41, 44, 45, 47 and 48 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Irvine, pn 4,454,973.

Art Unit: 3724

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittner et al., pn 5,290,033, in view of Burr, pn 5,222,624.

Bittner et al. discloses a terminal with almost every structural limitation of the claimed invention as described above but lacks one of the ticket types being lottery tickets stored in strips in which individual tickets are delineated from one another by lines of weakness. However, the Examiner takes Official notice that these types of tickets are old and well known in the art as evidenced by Burr and provide various known benefits including easy handling for shipping, storing and loading into the dispensing device. Therefore, it would have been obvious to one having ordinary skill in the art to provide such tickets in the device of Bittner et al. and, if

Art Unit: 3724

necessary, to configure Bittner's device to dispense such tickets for the well known benefits including those described above.

9. Claims 42, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvine, pn 4,454,973.

Irvine discloses a device with almost every structural limitation of the claimed invention but lacks a controller. However, the Examiner takes Official notice that such bursting configurations with controllers are old and well known in the art and provide various known benefits including an efficient mode of separating perforated articles. Therefore, it would have been obvious to one having ordinary skill in the art to provide a controller on the device of Irvine for the well known benefits including that described above.

Additionally, Irvine lacks the separator member having a helical protrusion. However, the Examiner takes Official notice that these types of bursting members are old and well known in the art for provide a concentrated progressive force along a web to effect bursting with a reduced amount of pressure applied to the web. Therefore, it would have been obvious to one having ordinary skill in the art to provide a separator member having a helical protrusion for the well known benefits including those described above.

Art Unit: 3724

*Allowable Subject Matter*

10. Claim 7 is allowable over the prior art of record.
11. Claims 8 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
November 18, 2002